

STATEMENT OF
REAR ADMIRAL J. WILLIAM KIME
CHIEF, OFFICE OF MERCHANT MARINE SAFETY
UNITED STATES COAST GUARD HEADQUARTERS
BEFORE THE
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE ON MERCHANT MARINE,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
AND THE
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
AND THE ENVIRONMENT
APRIL 17, 1986

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEES. I AM REAR ADMIRAL J. WILLIAM KIME, CHIEF, OFFICE OF MERCHANT MARINE SAFETY, U.S. COAST GUARD HEADQUARTERS. WITH ME IS CAPTAIN GORDON G. PICHE, CHIEF, MARINE TECHNICAL AND HAZARDOUS MATERIALS DIVISION OF THE OFFICE OF MERCHANT MARINE SAFETY, WHO ALSO HEADS THE COAST GUARD'S FISHING VESSEL SAFETY TASK FORCE. I AM MOST PLEASED TO APPEAR BEFORE YOU TO ADDRESS THIS SUBJECT OF MUTUAL INTEREST.

A GREAT DEAL HAS BEEN SAID AND WRITTEN OVER THE PAST SEVERAL MONTHS ABOUT THE FISHING VESSEL SAFETY AND INSURANCE CRISIS. DURING RECENT CONGRESSIONAL FIELD HEARINGS AT WHICH COAST GUARD WITNESSES TESTIFIED, CASUALTY STATISTICS WERE PRESENTED WHICH CLEARLY SHOWED THAT COMMERCIAL FISHING IS A HAZARDOUS OCCUPATION. THE COAST GUARD'S TWO PHASE VOLUNTARY APPROACH TO IMPROVING FISHING VESSEL SAFETY WAS ALSO PRESENTED.

TODAY I WOULD LIKE TO OFFER COMMENTS ON FIVE BILLS THAT AFFECT THE FISHING INDUSTRY; H.R. 277 (MR. BIAGGI) AND 3156 (MR. JONES), WHICH PRIMARILY DEAL WITH LIMITATION OF LIABILITY, H.R. 4407 (MR. JONES) AND 4415 (MR. STUDDS), WHICH DEAL WITH LIABILITY AND SAFETY ISSUES, AND H.R. 4465 (MR. LOWRY), WHICH COVERS INSPECTION OF FISHING VESSELS. I WILL PREFACE MY COMMENTS ON THESE BILLS WITH THE COAST GUARD'S POSITION ON FISHING VESSEL SAFETY AS IT HAS EVOLVED TO DATE.

OUR POSITION ON FISHING VESSEL SAFETY HAS BEEN INFLUENCED BY MANY FACTORS. THE DOMESTIC FLEET IS COMPRISED OF RELATIVELY SMALL VESSELS OPERATING IN AN UNFORGIVING ENVIRONMENT THAT CAN OVERWHELM EVEN THE SAFEST VESSEL. ITS INTERESTS ARE FRAGMENTED AND ITS MEMBERS ARE TRADITIONALLY INDEPENDENT. IN

THE PAST, FISHERMEN HAVE LOBBIED SUCCESSFULLY TO KEEP THEIR INDUSTRY OUT OF THE COMMERCIAL VESSEL REGULATORY PROGRAM AND, IN RETROSPECT, RIGHTLY SO. KEEPING THIS IN MIND, WITHOUT THE SUPPORT AND INVOLVEMENT OF FISHERMEN, ANY SAFETY PROGRAM IS PRONE TO RESENTMENT, RESISTANCE, AND PROBABLY FAILURE. THOSE WHO SAIL ON COMMERCIAL FISHING VESSELS ARE EMPLOYEES RATHER THAN INNOCENT PASSENGERS. UNLIKE LARGER SEA-GOING VESSELS, FISHING VESSELS POSE LITTLE OR NO THREAT TO THE ENVIRONMENT OR THE GENERAL PUBLIC. ADDITIONALLY, FISHERMEN TRANSPORT THEIR OWN CARGO OR CATCH IN THEIR OWN VESSELS, NORMALLY WITH THE CREW SHARING THE EXPENSES, PROFITS AND LOSSES OF EACH TRIP. FOR THIS GROUP OF VESSELS, ANY SAFETY PROGRAM MUST BE SUFFICIENTLY FLEXIBLE TO PERMIT THE OPERATORS TO MAKE OPERATIONAL DECISIONS THAT THEY ALONE ARE IN THE BEST POSITION TO MAKE. REGULATIONS DO NOT NECESSARILY OFFER THIS TYPE OF FLEXIBILITY. MOREOVER, A TRADITIONAL REGULATORY APPROACH WOULD REQUIRE MANPOWER-INTENSIVE ENFORCEMENT TO BE EFFECTIVE. IT SHOULD ALSO BE NOTED THAT THE EXPERIENCE OF OTHER MAJOR FISHING NATIONS IN REGULATING FISHING VESSEL SAFETY HAS NOT BEEN SUCCESSFUL. THE UNITED KINGDOM, FOR EXAMPLE, HAS EXTENSIVE SAFETY REGULATIONS GOVERNING FISHING VESSELS, YET CASUALTIES HAVE RISEN SINCE THEIR IMPLEMENTATION EVEN THOUGH THERE HAS BEEN A DECREASE IN THE SIZE OF THE FLEET. FOR THESE REASONS, I BELIEVE A VOLUNTARY APPROACH -- FULLY INVOLVING THE FISHERMEN -- IS THE WAY TO GO, AND THE COAST GUARD IS ALREADY MOVING IN THIS DIRECTION. A VOLUNTARY PROGRAM WOULD BE AS EFFECTIVE AS REGULATION (WITH LITTLE DIFFERENCE IN THE COST TO FISHERMEN, AND MUCH LESS COSTLY TO THE GOVERNMENT), AND IT WOULD ACHIEVE THE DESIRED RESULTS MUCH MORE RAPIDLY.

THREE OF THE BILLS NOW UNDER CONSIDERATION ARE AT ODDS IN SOME RESPECTS WITH THIS PHILOSOPHY. THEY DO NOT GIVE OUR VOLUNTARY PROGRAM A CHANCE TO MATURE OR ALLOW TIME FOR SEVERAL INDUSTRY-GENERATED SAFETY INITIATIVES CURRENTLY UNDERWAY TO TAKE HOLD.

REGARDING H.R. 277 AND 3156, THE COAST GUARD AND OTHER DEPARTMENT OF TRANSPORTATION ELEMENTS HAVE PARTICIPATED WITH OTHER GOVERNMENT OFFICIALS IN A WORKING GROUP CHAIRED BY THE DEPARTMENT OF JUSTICE TO EXAMINE THE QUESTION OF GENERAL MARITIME LIABILITY LIMITATION. I AM ADVISED THAT THE ISSUANCE OF THE REPORT OF THIS WORKING GROUP, PREPARED BY THE DEPARTMENT OF JUSTICE, IS IMMINENT.

THAT SAID, THE COAST GUARD AGREES THAT THE LIMITATION OF LIABILITY CONCEPT REMAINS AN HISTORIC, WORKABLE AND INTERNATIONALLY RECOGNIZED FIXTURE OF WORLDWIDE MARITIME COMMERCE.

SPECIFICALLY WITH REGARD TO H.R. 277, IT SHOULD BE NOTED THAT THE BILL DOES NOT IMPOSE ANY OBLIGATION UPON VESSEL OWNERS TO ACQUIRE OR PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY; IT MERELY PROVIDES LIMITATION OF LIABILITY FOR VESSEL OWNERS. THE COAST GUARD AGREES WITH THAT APPROACH.

IN CONTRAST, H.R. 3156 DOES REQUIRE EVIDENCE OF FINANCIAL RESPONSIBILITY, AND REGULATIONS WOULD HAVE TO BE PRESCRIBED BY THE SECRETARY OF TRANSPORTATION FOR VESSELS NOT OTHERWISE EXEMPT. HOWEVER, SECTION 30302 EXEMPTS FISHING AND FISH TENDER VESSELS, AND -- AS WITH H.R. 277 -- THEY CAN THEREFORE LIMIT THEIR LIABILITY WITHOUT SHOWING EVIDENCE OF FINANCIAL RESPONSIBILITY.

H.R. 4415 ESTABLISHES A LIMIT OF LIABILITY WHICH IS NOT TIED TO THE SAFETY PROVISIONS OF THE BILL. IT FURTHER REQUIRES CERTAIN SAFETY EQUIPMENT, SUCH AS EMERGENCY POSITION INDICATING RADIO BEACON (EPIRBS), AND LIFEBOATS OR LIFE RAFTS ON ALL FISH, FISH TENDER, AND FISH PROCESSING VESSELS. SAFETY EQUIPMENT MAY IMPROVE THE CHANCES OF SURVIVAL; HOWEVER, UNLESS PERSONS ARE TRAINED IN USE OF THE EQUIPMENT, IT WILL NOT BE ALTOGETHER EFFECTIVE AND CAN LEAD TO A FALSE SENSE OF SECURITY. THERE HAVE BEEN SEVERAL CASES WHERE VESSELS AND LIVES HAVE BEEN LOST DESPITE THE AVAILABILITY OF LIFERAFTS AND EXPOSURE SUITS. MANY CREWMEN WERE NOT FAMILIAR WITH HOW TO USE THE EQUIPMENT. FOR EXAMPLE, WE HAD A RECENT CASE IN OREGON WHERE A VESSEL SANK AND THE CREW OF THREE HAD TO ABANDON SHIP. EVEN THOUGH THEY HAD EXCESS EXPOSURE SUITS AND AN INFLATABLE LIFERAFT ON BOARD, ONLY ONE PERSON SURVIVED. THE DECEASED CREWMAN WHO WAS RECOVERED WAS NOT WEARING THE EXPOSURE SUIT PROPERLY. THE CREWMEN ALSO DID NOT KNOW HOW TO LAUNCH THE LIFERAFT PROPERLY, SO IT DID NOT INFLATE WHEN IT WAS LAUNCHED. TRAINING AND EDUCATION IS THE KEY. TO THIS EXTENT, THE COAST GUARD'S VOLUNTARY SAFETY PROGRAM WOULD SUPPLEMENT THE PROPOSED EQUIPMENT REQUIREMENTS.

H.R. 4465 WOULD REMOVE THE CURRENT EXEMPTION FROM INSPECTION FOR CERTAIN FISHING VESSELS AND FURTHER PRESCRIBES CERTAIN SAFETY EQUIPMENT WHICH IS ALREADY REQUIRED ON INSPECTED VESSELS. VESSELS SUBJECT TO THIS NEW REQUIREMENT INCLUDE FREIGHT VESSELS, SEAGOING MOTOR VESSELS, FISH PROCESSING AND FISH TENDER VESSELS. WHILE THIS APPEARS TO BE A SIGNIFICANT IMPROVEMENT, IN ACTUALITY FEW FISHING VESSELS WILL BE AFFECTED. VIRTUALLY ALL FISHING VESSELS CARRY THEIR OWN PRODUCT AND ARE NOT CONSIDERED FREIGHT VESSELS. BY DEFINITION A SEAGOING MOTOR VESSEL IS OF AT LEAST 300 GROSS TONS. LESS THAN

ONE PERCENT OF THE FLEET FALLS IN THIS CATEGORY. IN ADDITION TO EXEMPTING FISHING VESSELS OF LESS THAN 300 GROSS TONS FROM THE NEW CARRIAGE REQUIREMENTS, THE PRESENT WORDING WOULD ALSO CAUSE FISHING VESSELS OF 300 OR MORE GROSS TONS TO UNDERGO DRYDOCK INSPECTION AND CERTIFICATION, AND TO BE SUBJECT TO MANNING REQUIREMENTS JUST THE WAY AN 800 FOOT CONTAINER SHIP IS.

H.R. 4465 WOULD ALSO REQUIRE A STABILITY SURVEY ON FISHING VESSELS OF ALL SIZES MAKING A TRANSITION FROM ONE TYPE OF FISHERIES TO ANOTHER, IF SUCH TRANSITION REQUIRES SIGNIFICANT CHANGES IN EQUIPMENT OR OPERATIONAL TECHNIQUES. A MARINE SURVEYOR WOULD CONDUCT THE SURVEY. THIS WOULD APPLY TO ALL FISHING VESSELS EXCEPT THAT VESSELS CONSTRUCTED BEFORE ENACTMENT WOULD BE EXEMPT DURING THE FIRST THREE YEARS FOLLOWING ENACTMENT. "SIGNIFICANT CHANGES" IS A SUBJECTIVE TERM, SO THE NUMBER OF VESSELS AFFECTED BY THIS PROVISION IS UNKNOWN. HOWEVER, IT IS VERY COMMON FOR A VESSEL ENGAGED IN DOMESTIC FISHING OPERATIONS TO MAKE CHANGES IN EQUIPMENT OR OPERATIONAL TECHNIQUES FOR TRANSITION INTO OTHER FISHERIES.

H.R. 4407, "FISHING INDUSTRY AND SEAMAN'S PROTECTION ACT OF 1986" IS A COMPREHENSIVE BILL. IT PROVIDES FOR MAINTENANCE AND CURE LIMITATIONS FOR SEAMEN ABOARD FISHING, FISH TENDER AND FISH PROCESSOR VESSELS, IF THE VESSEL IS IN COMPLIANCE WITH AN AMENDED CHAPTER 45 OF TITLE 46 AND TWO NEW SECTIONS IN TITLE 46 -- SECTION 8704, CREW TRAINING; AND SECTION 8907, LICENSING OF FISHING VESSEL OPERATORS. OF THE THREE BILLS WHICH DEAL WITH FISHING VESSEL SAFETY, THIS IS THE ONLY ONE THAT RECOGNIZES THE IMPORTANCE OF CREW TRAINING IN CONJUNCTION WITH VESSEL SAFETY AND EQUIPMENT STANDARDS.

THE SECRETARY OF TRANSPORTATION MUST PRESCRIBE REGULATIONS FOR MINIMUM SAFETY STANDARDS AND ASSOCIATED EQUIPMENT AND MAY PRESCRIBE REGULATIONS FOR ENFORCEMENT. VESSELS AFFECTED BY THIS BILL WOULD PRIMARILY BE NEWER VESSELS. THE INCENTIVE FOR OLDER VESSELS TO COMPLY WOULD BE IF THEY WISH TO LIMIT THEIR LIABILITY. THIS COULD HAVE THE EFFECT OF FURTHER EXTENDING THE LIFE OF OLDER VESSELS WHERE OWNERS WERE MORE CONCERNED ABOUT AVOIDING THE PENALTY SITUATION WHICH THE NEW STANDARDS CAN TRIGGER. FISHING VESSELS BUILT BY AN INDIVIDUAL BUILDING NOT MORE THAN 2 VESSELS IN A CALENDAR YEAR SHOULD BE INCLUDED, RATHER THAN EXEMPTED AS PROPOSED BY SECTION 4501(c); THESE VESSELS ARE EXPOSED TO THE SAME ENVIRONMENTAL FORCES AND PITFALLS AS OTHER VESSELS, AND THE BUILDER MAY LACK THE KNOWLEDGE NECESSARY TO INCORPORATE THE DESIRED MARGIN OF SAFETY SOUGHT.

AS NOTED ABOVE, SECTION 4503(c) OF H.R. 4407 STATES THAT THE SECRETARY OF TRANSPORTATION MAY PRESCRIBE REGULATIONS TO CARRY OUT THIS CHAPTER; HOWEVER, THIS BILL DOES NOT CLEARLY STATE THE INTENT OF CONGRESS. IT IS ALSO UNCLEAR AS TO WHO WOULD ENFORCE THESE REGULATIONS -- THE COAST GUARD OR A THIRD PARTY?

SEVERAL SECTIONS OF THE BILL DETAIL PROHIBITED ACTS OR REQUIRE MANUFACTURERS TO KEEP RECORDS SIMILAR TO REQUIREMENTS NOW APPLICABLE TO PLEASURE VESSELS. THE MANUFACTURER OR BUILDER IS HELD ACCOUNTABLE FOR THE SAFETY EQUIPMENT AND STANDARDS FOR NEW FISHING VESSELS BY THIS BILL. IN THIS CONNECTION, IT SHOULD BE EMPHASIZED THAT, GENERALLY, FISHING VESSELS ARE INDIVIDUALLY BUILT AND NOT STAMPED OUT ASSEMBLY-LINE STYLE AS ARE MOST RECREATIONAL BOATS. FURTHER, FISHING VESSELS ARE OFTEN MODIFIED BY FISHING VESSEL OWNERS IMMEDIATELY AFTER DELIVERY.

H.R. 4407 WOULD ALSO REQUIRE THAT INDIVIDUALS ON BOARD BE GIVEN EMERGENCY ASSIGNMENTS AND THAT PERIODIC EMERGENCY DRILLS BE CONDUCTED. AGAIN, NO ENFORCEMENT PROVISION IS PROVIDED, NOR IS IT CLEAR AS TO WHO WILL WITNESS THESE EMERGENCY DRILLS. THE PROVISION FOR TERMINATION OF A COMMERCIAL FISHING VESSEL FOR UNSAFE OPERATION OR NON-COMPLIANCE WITH EMERGENCY DRILL REGULATIONS PRESENTS ANOTHER CONCERN. NOT ONLY WILL THIS PROVISION BE DIFFICULT TO ENFORCE, BUT TERMINATING A COMMERCIAL FISHING OPERATION WHEN AN INDIVIDUAL'S LIVELIHOOD IS INVOLVED WILL CREATE UNWARRENTED CONTROVERSY. MANY FISHING SEASONS ARE RELATIVELY SHORT, THUS AMPLIFYING THE EFFECTS OF A FISHING VESSEL TERMINATION. THE ESCORT TO PORT REQUIRED IN THE EVENT OF TERMINATION WOULD ALSO DECREASE LAW ENFORCEMENT RESOURCE AVAILABILITY.

UNDER THE BILL, FISHING VESSELS BUILT AFTER 31 DECEMBER 1986 WOULD BE SUBJECT TO THE LOAD LINE REGULATIONS AS WELL. SINCE LOAD LINE REGULATIONS ONLY APPLY TO VESSELS OF OVER 79 FEET, ONLY THOSE NEW FISHING VESSELS OF OVER 79 FEET WILL BE AFFECTED. THE USE OF LOAD LINES, HOWEVER, AS A TOOL TO ENHANCE VESSEL SAFETY IS OF QUESTIONABLE VALUE ON FISHING VESSELS. THE WHOLE CONCEPT OF LOAD LINES ASSUMES THAT ONCE A VESSEL IS LOADED TO ITS LIMITING DRAFT ALL HATCHES ARE SECURED, MADE WATERTIGHT, AND LEFT THAT WAY FOR THE DURATION OF THE VOYAGE. FISHING VESSELS DO NOT OPERATE IN THIS MANNER. ONCE ON THE FISHING GROUNDS THEY OPEN THEIR HATCHES TO LOAD CARGO, WHICH WOULD EFFECTIVELY NEGATE ALL PREMISES OF THE LOAD LINE ASSIGNMENT. NEVERTHELESS, THERE IS SOME BENEFIT ASSOCIATED WITH THE ANNUAL LOAD LINE INSPECTION, WHICH WOULD HAVE TO BE CONDUCTED. IT WOULD ENSURE THE INTEGRITY AND QUALITY OF THE HULL AND ALL WATERTIGHT AND WEATHERTIGHT CLOSURES. HOWEVER, THE ISSUE OF WHO WILL DO THE INSPECTIONS IS NOT ADDRESSED.

IN ADDITION, H.R. 4407 REQUIRES OWNERS OR OPERATORS TO ENSURE THAT INDIVIDUALS ENGAGED ON FISHING, FISH TENDER, AND FISH PROCESSING VESSELS HAVE BEEN TRAINED IN VESSEL SAFETY AND EMERGENCY PROCEDURES BASED UPON A TRAINING MANUAL APPROVED BY THE SECRETARY. UNDOUBTEDLY THE COAST GUARD WOULD BE TASKED WITH APPROVING SUCH A TRAINING MANUAL. IDEALLY, WE COULD APPROVE THE NORTH PACIFIC FISHING VESSELS OWNERS' ASSOCIATION (NPFVOA) FISHING VESSEL SAFETY MANUAL, WHICH WE HELPED PRODUCE. WE WOULD URGE THAT TRAINING BE CONDUCTED BY LOCAL PRIVATE INSTITUTIONS, SUCH AS COMMUNITY COLLEGES.

INSURERS WOULD BE REQUIRED TO SUBMIT VESSEL INFORMATION AND CASUALTY DATA TO THE SECRETARY FOR ANALYSIS OF VESSEL RISKS. THIS WOULD REQUIRE ADDITIONAL PERSONNEL AND COMPUTER RESOURCES TO IMPLEMENT AND MAINTAIN. ON THE PLUS SIDE, THIS DATA BASE WOULD PROVIDE A MEANS FOR MEASURING AND MONITORING FISHING VESSEL OPERATIONS. AT PRESENT, THIS IS SOMETHING THAT CANNOT BE DONE ACCURATELY ON A NATIONAL LEVEL. 46 USC 6101 AND 46 CFR 4.05 ALREADY REQUIRE THESE SAME CASUALTY DATA TO BE REPORTED TO THE COAST GUARD BY THE OWNER, AGENT, MASTER, OR PERSON IN CHARGE OF A VESSEL. IN ANY EVENT, OUR EDUCATION PROGRAM WILL EMPHASIZE THIS REQUIREMENT, IN ORDER TO BRING ABOUT A HIGHER LEVEL OF COMPLIANCE.

THE FISHERIES MANAGEMENT SAFETY SECTION OF H.R. 4407 WOULD REQUIRE CONSERVATION AND MANAGEMENT MEASURES TO TAKE INTO ACCOUNT THE EFFECT THEY MIGHT HAVE ON SAFETY. THE SECRETARY WOULD BE REQUIRED TO ESTABLISH ADVISORY GUIDELINES TO ASSIST IN THE DEVELOPMENT OF SAFE CONSERVATION AND MANAGEMENT MEASURES. THESE GUIDELINES WOULD BE BASED ON A NATIONAL STANDARD 8, WHICH CURRENTLY DOES NOT EXIST. THE COAST GUARD PRESENTLY REVIEWS MANAGEMENT PLANS AND PROVIDES COMMENTS ON A NUMBER OF ISSUES, INCLUDING SAFETY. THIS AMENDMENT WOULD, HOWEVER, GIVE OUR ADVICE MORE WEIGHT.

THE COAST GUARD COULD SUPPORT LIMITATION OF LIABILITY LEGISLATION CONTAINED IN H.R. 4407 AND 4415 PROVIDED IT WAS TIED DIRECTLY TO A VOLUNTARY SAFETY PROGRAM WHICH INCLUDED VESSEL STANDARDS, SAFETY EQUIPMENT, AND TRAINING. LEGISLATION REQUIRING SUCH A SAFETY PROGRAM SHOULD BE GENERAL IN NATURE AND AT A MINIMUM, SPECIFY THE AREAS OF VESSEL STABILITY; RADIO AND SHIPBOARD NAVIGATION EQUIPMENT; FIRE SAFETY MEASURES; LIFESAVING EQUIPMENT AND PROTECTION OF THE CREW; AND HULL, MACHINERY AND ELECTRICAL INSTALLATIONS. THE OVERALL PROGRAM SHOULD BE BASED ON A FRAMEWORK ESTABLISHED BY THE COAST GUARD AND FURTHER DEVELOPED AND IMPLEMENTED BY A NATIONAL ORGANIZATION COMPOSED OF COMMERCIAL FISHING INDUSTRY VESSEL AND MARINE INSURANCE INTERESTS, SUCH AS THE NATIONAL COUNCIL OF FISHING VESSEL SAFETY AND INSURANCE. THEY COULD ALSO PROVIDE OVERSIGHT.

REQUIRING SAFETY EQUIPMENT OR OPENING UP FISHING VESSELS TO INSPECTION MAY IMPROVE SAFETY; HOWEVER, THOSE ACTIONS ARE POTENTIALLY RESOURCE INTENSIVE AND WOULD NOT GIVE INDUSTRY A CHANCE TO IMPLEMENT OUR VOLUNTARY PROGRAM. CURRENTLY OUR VOLUNTARY STANDARDS, THE FIRST PART OF OUR THREE PART SAFETY PROGRAM, IS DEFINED IN A SERIES OF FIVE COAST GUARD NAVIGATION AND VESSEL INSPECTION CIRCULARS (NVICS), WHICH COVER ALL AREAS OF VESSEL SAFETY AND EQUIPMENT DISCUSSED IN H.R. 4407, 4465, AND 4415. WE DISTRIBUTED ALL FIVE NVICS TO OVER 230 INDIVIDUALS, GROUPS AND ORGANIZATIONS THROUGHOUT THE U.S. WHO HAVE AN INTEREST IN FISHING VESSEL SAFETY. SEVERAL HAVE SENT DETAILED COMMENTS; ALL HAVE EXPRESSED A FAVORABLE REACTION TO THE STANDARDS. WE ARE NOW REVISING AND CONSOLIDATING THESE NVICS BASED UPON COMMENTS RECEIVED, AND THE FINAL STANDARDS WILL BE PUBLISHED IN JUNE 1986 AS NVIC 5-86. COMMENTERS INCLUDING INSURANCE INTERESTS AND MARINE SURVEYORS HAVE INDICATE A WILLINGNESS TO ADOPT OUR STANDARDS.

WE ARE ALSO WORKING ON THE SAFETY AWARENESS AND EDUCATION PARTS OF OUR PROGRAM. A PILOT EFFORT IS BEING DEVELOPED BY THE COAST GUARD IN COMPANY WITH THE NORTH PACIFIC FISHING VESSEL OWNERS' ASSOCIATION. THIS PILOT EFFORT INCLUDES PUBLISHING A FISHING VESSEL SAFETY MANUAL AND DEVELOPMENT OF VOLUNTARY FORMAL TRAINING COURSES FOR ALL FISHING VESSEL CREWMEMBERS. THE INITIAL VERSION OF THIS SAFETY MANUAL WILL BE AVAILABLE IN MAY AND WILL SERVE AS THE COURSE OUTLINE AND NOTES.

WE NEED BOTH THE EDUCATION AND THE STANDARDS PARTS OF THE PROGRAM IN PLACE IF WE ARE TO SUCCEED IN IMPROVING FISHING VESSEL SAFETY. THE EDUCATION PART WILL REACH THE VESSEL OPERATING PERSONNEL WHILE THE STANDARDS PART WILL GO MUCH FURTHER, BY REACHING OUT TO VESSEL OWNERS, INSURANCE COMPANIES, SURVEYORS, NAVAL ARCHITECTS, SHIPYARDS AND INDUSTRY-SPONSORED SAFETY CENTERS. THE BENEFITS OF THIS PROGRAM INCLUDE REDUCTIONS IN THE NUMBER OF DEATHS AND INJURIES WHICH SHOULD IN TURN LEAD TO REDUCED OR STABILIZED INSURANCE PREMIUMS. LOCAL FISHING AND INSURANCE GROUPS CAN USE THE STANDARDS TO IMPROVE THE OVERALL LEVEL OF SAFETY. THIS TWO-PRONGED APPROACH WILL REACH ALL LEVELS OF THE FISHING VESSEL COMMUNITY IN A RELATIVELY SHORT TIME.

EARLIER I STATED THAT EXPERIENCE OF OTHER MAJOR FISHING NATIONS IN REGULATING FISHING VESSEL SAFETY HAVE NOT BEEN OVERLY SUCCESSFUL. ONE CRITIC WROTE OF THE UK EXPERIENCE THAT LEGISLATING SAFETY IN THE FISHING INDUSTRY TAKES THE RESPONSIBILITY FOR SAFETY AWAY FROM THE FISHERMEN; MAY CAUSE THEM TO BE LESS CONCERNED OVER MAINTENANCE, WHICH IS THE KEY TO LONG TERM SAFETY; AND GIVES THEM A FALSE SENSE OF SECURITY (I.E., IF A VESSEL PASSES AN INSPECTION, THEY BELIEVE IT IS SAFE). IT TAKES MORE THAN PASSING AN INSPECTION TO MAKE A

VESSEL SAFE -- IT TAKES COMMITMENT ON THE PART OF THE MASTER AND CREW TO KEEP THINGS OPERATING IN A SAFE CONDITION. OTHER FISHING NATIONS WHICH REGULATE THEIR FISHING FLEETS HAVE ALSO EXPRESSED AN INTEREST IN OUR VOLUNTARY PROGRAM.

THE FISHING INDUSTRY HAS BEEN HELPFUL IN PUTTING OUR PROGRAM TOGETHER. THEY HAVE EXPRESSED A DESIRE TO WORK WITH THE COAST GUARD IN DEVELOPING SUCH A PROGRAM AND WE HAVE PROVIDED THE ORGANIZATION AND FRAMEWORK FOR THEM TO DO SO. THEY HAVE RESPONDED. FOR EXAMPLE, THE NORTH PACIFIC FISHING VESSELS OWNERS' ASSOCIATION IS JOINTLY PRODUCING THE SAFETY MANUAL WITH US AS NOTED PREVIOUSLY. OTHER INDUSTRY REPRESENTATIVES, SUCH AS MARINE SURVEYORS, INSURANCE UNDERWRITERS AND NAVAL ARCHITECTS, ARE PROVIDING US WITH VALUABLE COMMENTS ON OUR VESSEL SAFETY STANDARDS. WE HAVE A TRULY COOPERATIVE EFFORT GOING HERE, AND I BELIEVE THE INDUSTRY WILL ADOPT THE PROGRAM. IF THAT HAPPENS, THEY WILL REAP BENEFITS SIMILAR TO A CENTRALIZED COAST GUARD INSPECTION PROGRAM BASED UPON REGULATIONS -- BUT WITHOUT THE STIGMA OF PENALTIES OR FINES FOR NON-COMPLIANCE. OUR GOAL IS TO ACHIEVE SAFETY IMPROVEMENTS BY USING THE POSITIVE APPROACH.

IN THIS REGARD, WE ARE GETTING OUTSTANDING COOPERATION FROM MR. THORN SMITH, EXECUTIVE DIRECTOR OF THE NPFVOA AND MR. JOHN SABELLA, WHO IS WORKING FOR MR. SMITH IN DEVELOPING THE SAFETY MANUAL. THEY ARE ALSO PUTTING TOGETHER TRAINING COURSES FOR THE PACIFIC NORTHWEST. AS A MATTER OF FACT, THEY HAVE RECENTLY CONDUCTED 2 COMPLETE TRAINING SESSIONS WHICH INCLUDED COURSES IN: VESSEL SAFETY ORIENTATION/HAZARD AWARENESS, FIRST AID/EMERGENCY MEDICINE, FIREFIGHTING, AND COAST GUARD SEARCH AND RESCUE/EMERGENCY PROCEDURES. THE FIREFIGHTING COURSE ON A MOCK-UP OF A 150 FOOT VESSEL AT THE WASHINGTON STATE FIRE SERVICE TRAINING CENTER IS PROVING TO BE THE MOST POPULAR. TEN CLASSES OF THIS COURSE HAVE BEEN HELD SINCE THE BEGINNING OF THE YEAR.

OTHERS ARE INVOLVED AND SHOULD BE MENTIONED. THE VIRGINIA INSTITUTE OF MARINE SCIENCE, IN GLOUCESTER, VIRGINIA, PUT TOGETHER TRAINING COURSES WITH ONLY A LITTLE HELP FROM US. THEY HELD A FISHING VESSEL SAFETY AND INSURANCE WORK SHOP WHICH COVERED A NUMBER OF TOPICS SUCH AS EMERGENCY FIRST AID AND COLD WATER SURVIVAL. THEY ALSO SPENT A DAY AT OUR RESERVE TRAINING CENTER IN YORKTOWN, VIRGINIA, LEARNING ABOUT FIREFIGHTING AND COAST GUARD SEARCH AND RESCUE TECHNIQUES.

THE SOUTHEASTERN FISHERIES ASSOCIATION IS DEVELOPING, AMONG OTHER THINGS, AN INDUSTRY VESSEL SAFETY CODE AND REGIONAL SAFETY MANUAL, WHILE A GROUP IN NEW JERSEY IS CONSIDERING DEVELOPING A STATE-UNDERWRITTEN MUTUAL INSURANCE ASSOCIATION, PARTICIPATION IN WHICH WOULD REQUIRE VESSEL AND CREW STANDARDS. OUR FISHING VESSEL SAFETY TASK FORCE HAS OFFERED ASSISTANCE TO EACH OF THESE GROUPS AND IS WORKING WITH THE NATIONAL COUNCIL OF FISHING VESSEL SAFETY AND INSURANCE IN WASHINGTON, D.C. TO DISTRIBUTE INFORMATION.

I BELIEVE OUR VOLUNTARY APPROACH WILL WORK. THE PRESENT INSURANCE AND SAFETY CRISIS HAS CAUSED PERSONS IN THE FISHING INDUSTRY TO TAKE A HARD LOOK AT THE WHOLE SAFETY ISSUE. THEY REALIZE THAT ANY RESPONSE THEY MAKE TO THIS ISSUE MUST INCLUDE A TIGHTENING OF SAFETY STANDARDS AND MORE SAFETY AWARENESS ON THE PART OF MASTERS AND CREWMEN. EQUALLY IMPORTANT IS THE INDUSTRY'S WILLINGNESS TO CONTRIBUTE TO DEVELOPING A PROGRAM TO REDUCE CASUALTY LOSSES AND TO FOLLOW ESTABLISHED GUIDELINES.

MANY PERSONS IN THE FISHING INDUSTRY ARE DEMONSTRATING THAT THEY CAN AND WILL MAKE IMPROVEMENTS WITHOUT GOVERNMENT INTERVENTION AND REGULATION. THERE ARE A LOT OF SAFETY-CONSCIOUS FISHERMEN WHO WILL FOLLOW THE RECOMMENDATIONS IN OUR NVICS AND SAFETY MANUAL. I BELIEVE THAT BY DOING SO, THEY WILL START TO SEE POSITIVE RESULTS OF THE KINDS THAT COUNT -- FEWER INJURED PEOPLE, FEWER VESSELS LOST, AND -- MOST IMPORTANTLY -- NUMEROUS LIVES SAVED.

THAT CONCLUDES MY PREPARED TESTIMONY, MR. CHAIRMAN. WE WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU OR OTHER COMMITTEE MEMBERS MAY HAVE.